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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/111,731	07/08/1998	YOSHINOBU SHIRAIWA	35.C12836	6151

5514 7590 08/18/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/111,731

Applicant(s)

SHIRAIWA ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/07/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/07/03 has been entered.

Response to Amendment

2. The corrected or substitute drawings for figures 13, 16, 21, 23 and 31 were received on 07/07/03. These drawings are approved.

3. The amendment to the paragraph beginning at page 18 line 26 has been entered and this amendment overcomes the objection to the specification set forth in paper no. 26.

Response to Arguments

4. The amendments to claims 1, 8 and 9 overcomes the 35 USC 102 rejection based upon Kouzaki.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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6. Claims 1, 3-9 and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Yumiko et al., EP 0 767 445 A2, published on April 09, 1997. This reference was cited by applicant in the May 03, 1999 information disclosure statement. A detailed analysis of the claims follows.

Claim 1:

Claim 1	Yumiko et al., EP 0 767 445 A2
1. (Five Times Amended) An image processing method for converting data dependent on a first illuminating light into data dependent on a second illuminating light, comprising the steps of:	<p>The image is scanned based upon a first light thus the image data is dependent upon a first illuminating light.</p> <p>The scanned image data is then converted into data dependent upon a different light source, page 7 line 52 to page 8 line 1.</p>
storing conversion data	The ambient light sensor data Wx, Wy, Wz, wx, and wy are inherently stored in order to perform the calculations and monitor profile data Vx, Vy, Vz, vx, and vy are stored in monitor profile 22.
for a light source having high color rendering properties and	Assuming sunlight is the ambient light then the ambient light would have high color rendering properties.
conversion data for a light source having low color rendering properties;	Monitors have less rendering properties than sunlight, thus, the monitor profile data would have lower color rendering properties than sunlight.
generating data indicating a proportion of synthesis of the stored conversion data for the light source having high color rendering properties and the light source having low color rendering properties, corresponding to the second illuminating light;	Applicants proportion of synthesis ($I_{H_{KS}}$) and Yumikos' adaptation ratio (s) are the same. See Yumiko page 8 lines 10-15 and 32-40.

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Continuation of previous page generating a first conversion condition from the stored conversion data according to the data indicating the proportion of synthesis;	Continuation of previous page Yumikos' equation 1 corresponds to this claimed limitation.
generating a second conversion condition based on color temperature information of the second illuminating light; and	Yumikos' equation 2 corresponds to this claimed limitation. Chromaticity is color temperature thus chromaticity equations 2 generate a conversion condition based on color temperature information of the second light (observation environment, see page 7 lines 52-56). Note color temperature is described at page 7 line 53 as being used in the conversion process.
converting data dependent on the first illuminating light into data dependent on the second illuminating light using the first conversion condition and the second conversion condition.	The image scanned using the first light source is converted into data dependent upon a second illuminating light, Yumikos' observation environment page 8 lines 51-52, by using the first conversion condition and the second conversion condition.

Claim 3:

Adaptation ratio storage 40 stores adaptation ratios which as described above is applicants' proportion of synthesis (IH_{ks}).

Claim 4:

At page 8 line 5 Yumiko describes allowing the user to manually input the characteristics of the light in the observation environment.

Claim 5:

This claim is very broad and reads upon the user instructing the program to perform the conversion process.

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Claim 6:

Figure 9 shows the adaptation ratio being selected in response to at least the ambient light detected by the ambient light sensor 18.

Claim 7:

Yumikos' conversion data is matrix data, see equations 3-6 at pages 8-9.

Claim 8:

The claim is written as an apparatus claim version of claim 1 and it is rejected for the same reasons given for claim 1 and since Yumiko teaches an apparatus for performing the method of applicants claim 1.

Claim 9:

The claim is written as a computer readable recording medium claim storing the a program for performing the same method of claim 1. This claim is rejected for the same reasons given for claim 1 and since at page 5 line 34 a program in ROM 122 is described a controlling the processes of the apparatus, in view of page 11 lines 13-33, and in view of page 12 line 35.

Claim 19:

Page 7 line 27 teaches previewing the scanned image on the monitor as a preview image after the scanned image has been processed by the apparatus of figure 7.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

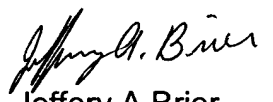
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


Jeffery A Brier
Primary Examiner
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